

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DIGITAL ALLY, INC.
Petitioner,

v.

UTILITY ASSOCIATES, INC.
Patent Owner.

Case No. IPR2014-00725
Patent 6,831,556 B1

PATENT OWNER UTILITY ASSOCIATES, INC.'S
NOTICE OF APPEAL

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulaney Street
Alexandria, VA 22314-5793

Patent Owner Utility Associates, Inc. (“Utility”) hereby gives notice to the Director of the U.S. Patent and Trademark Office (“USPTO”), pursuant to 35 U.S.C. § 142 and 37 C.F.R. §§ 90.2(a) and 90.3, of appeal to the U.S. Court of Appeals for the Federal Circuit from the Patent Trial and Appeal Board’s (“PTAB”) Final Written Decision entered on July 27, 2015 (Paper 27), as further set forth in the PTAB’s Decision Denying Utility’s Request for Rehearing entered on November 16, 2015 (Paper 29), and from all orders, decisions, rulings, and opinions underlying the Final Written Decision and Decision Denying Request for Rehearing.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), and for the limited purpose of providing the Director with information required thereunder, Utility anticipates the issues on appeal to include, without limitation, the PTAB’s determination that Digital Ally proved by a preponderance of the evidence that claims 1-4, 9, 13-18, and 20-25 of U.S. Patent No. 6,831,556 are unpatentable under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,246,320 B1 (Ex. 1004, “Monroe ‘320”); that claims 5, 6, and 12 are unpatentable under 35 U.S.C.

§ 103(a) as obvious over Monroe '320 and U.S. Patent No. 6,389,340 B1 (Ex. 1005, "Rayner"); that claim 7 is unpatentable under 35 U.S.C. § 103(a) as obvious over Monroe '320, Rayner, and the knowledge of one of ordinary skill in the art; that claim 10 is unpatentable under U.S.C. § 103(a) as obvious over Monroe '320 and U.S. Patent No. 6,518,881 B2 (Ex. 1009, "Monroe '881"); and that claim 19 is unpatentable under U.S.C. § 103(a) as obvious over Monroe '320 and U.S. Pat. No. 6,833,865 B1 (Ex. 1008, "Fuller"). Utility further anticipates the issues on appeal to include the findings allegedly supporting the above PTAB findings including, without limitation, the PTAB's interpretation of the claim language, the prior art, and the alleged supporting evidence of obviousness, as well as the PTAB's application of law on the issues of anticipation and obviousness in making such findings.

A copy of this Notice of Appeal is being filed with the Patent Trial and Appeal Board. This Notice of Appeal, along with the required docketing fee, are also being filed with the Clerk's Office for the U.S. Court of Appeals for the Federal Circuit.

Date: January 15, 2016

Respectfully submitted,

MEUNIER CARLIN & CURFMAN, LLC



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*Attorneys for Patent Owner Utility
Associates, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies, pursuant to 37 C.F.R. § 90.2(a), that the foregoing Patent Owner Utility Associates, Inc.'s Notice of Appeal was filed by Express Mail on January 15, 2016, with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF SERVICE

The undersigned certifies, pursuant to 37 C.F.R. § 90.2(a), that a copy of the foregoing Patent Owner Utility Associates, Inc.'s Notice of Appeal was filed electronically on January 15, 2016, through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS).

CERTIFICATE OF SERVICE

The undersigned certifies that three copies of the foregoing Patent Owner Utility Associates, Inc.'s Notice of Appeal were filed by Express Mail on January 15, 2016, with the United States Court of Appeals for the Federal Circuit.

CERTIFICATE OF SERVICE

The undersigned certifies, pursuant to 37 C.F.R. § 42.6(e)(2), that a true and correct copy of Patent Owner Utility Associates, Inc.'s Notice of Appeal was served via Federal Express and electronic mail on January 15, 2016, on the following counsel of record for Petitioner Digital Ally, Inc.:

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